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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Ke Liu et al

Docket No.: C-2990HyS

Serial No.: 10/691,794

Art Unit: 3748

Filed: October 23, 2003

Examiner: Nguyen, Tu Minh

Title: Intermittent Application of Syngas to
NOx Trap and/or Diesel Engine

I hereby certify that this correspondence is being
facsimile transmitted to the United States Patent
and Trademark Office (Fax No. 703-872-9306) on
April 5, 2005 April 7, 2005

RESPONSE

Barbara Cecere

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is responsive to the Final Rejection dated March 18, 2005.

Claims 1-4 remain for consideration.

1. Withdrawal of the previous Final Rejection is noted with gratitude.
- 2,3. Claims 1-3 are rejected as obvious over Taylor, III et al (Taylor).

Taylor discloses:

- Fig. 1, paragraphs 18-26 – engine only
- Fig. 2, paragraphs 27-31 – engine and abatement - fixed
- Fig. 3, paragraphs 32-37 – abatement only
- Fig. 4, paragraphs 38-43 – engine only
- Fig. 5, paragraphs 44-47 – abatement only
- Fig. 6, paragraphs 48-52 – engine, or abatement, or fuel cell; no selection
- Figs. 7-9, paragraph 49 – no details

Taylor therefore only discloses providing reformat to an engine, to an
abatement device, or as in Fig. 2 to both the engine and the abatement device but
with no alteration in the operation thereof whatsoever.

Words and phrases in the rejection which, or any like-meaning words or phrases, are NOT in Taylor, in order of appearance in the rejection,

- Page 2 - intermittently, last line
- Page 3 - repetitively, line 5
adequate, line 3
repetitively, line 5
periodically, line 5
during first periods of time, line 6
interspersed with second periods of time, line 7
during second periods of time, line 10
a second amount, line 11
first periods of time, line 15
adequate, line 16
second periods of time, line 17
a second amount, line 18
the second amount, line 20
second periods of time, line 20
small fraction, line 21
adequate, line 21
first periods of time, line 21
- Page 4 - amount, line 9
periodically, line 10
effective amount, line 10
first periods of time, line 11
interspersed, line 11
second periods of time, line 12
altering, line 14
either the first means or the second means, line 15
second periods, line 15
diverting, line 15
- Page 5 - first periods of time, line 9
effective amount, line 10
second periods of time, line 11
a second amount, line 12
reduced, line 14
second periods of time, lines 14, 15
second amount, line 15
small fraction, line 15
effective, line 16
first periods of time, line 16

Taylor does not periodically repeat anything, does not have different periods of time interspersed with each other, does not disclose generating different amounts of reformat and does not disclose a second reformer (mini CPO) as called for in claims 1-3. There is absolutely no support in Taylor for the rejection; there is no similarity between Taylor and the claimed subject matter except: engine, reformat, abatement device.

Reconsideration and allowance of claims 1-3 over Taylor is hereby respectfully requested.

4. Claim 4 is rejected as claims 1-3 in further view of May et al. Claim 4 is patentable for the same reasons as claim 3 and its allowance is hereby respectfully requested.

6. The rejection has been made final. However, there was no amendment that necessitated these new grounds of rejection: the very same argument which is stated to be persuasive in paragraph 1 of the Office Action appeared in response to the first Office Action dated 10/19/04 and in response to the second Office Action dated 12/21/04. The Amendments in response to the first Office Action resulted in the same rejection, the inappropriateness of which has been now agreed with. The amendment to claim 1, in response to the first Office Action, simply made extremely explicit that which was already stated in original claim 1. That is, Kirwan does not disclose "periodically applying the syngas to the auxiliary system in the adequate amount during first periods of time interspersed with second periods of time". Nor doing something different in the second periods of time.

MPEP 706.07 states "Before final rejection is in order, a clear issue should be developed between the Examiner and applicant....The Examiner should never lose sight of the fact that in every case the applicant is entitled to a full and fair hearing and that a clear issue between applicant and the Examiner should be developed, if possible, before appeal."

The final rejection is premature and should be withdrawn (MPEP 706.07(d)).

7. It is agreed that the prior art not relied on is no more relevant than that referred to hereinbefore.

8. Should the foregoing not be persuasive in any respect whatsoever, a telephone call is earnestly solicited.

Respectfully submitted,



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